IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 26262 of 2004(B)

PETITIONER:

SOORAJ KUMAR, LAKSHMI NIVAS,
NADUVILE VILLAGE, VAIKOM TALUK,
DIST.KOTTAYAM REPRESENTED BY THE POWER OF
ATTORNEY HOLDER K.G. MANIKANTAN NAIR.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

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1. THE TAHSILDAR (R.R.), VAIKOM TALUK,
VAIKOM, DIST. KOTTAYAM.

2. THE REVENUE DIVISIONAL OFFICER (R.D.O.)
PALA, DIST.KOTTAYAM.

3. LUKA, S/O. KURIAKOSE, PAZHAMADOM HOUSE,
VALLAKOM, VAIKOM, DIST.KOTTAYAM.

4. JOHN ABRAHAM, ELAMKULATH VEEDU,
PERUMBAIKKADU KARA, PERUMBAIKKAD VILLAGE,
KOTTAYAM.

5. T.D. MOHANDAS, THACHAMPARAMBIL,
PANAVALLY VILLAGE, CHERTHALA TALUK,
DIST. ALAPPUZHA.

BY ADV. SRI.C.C.THOMAS
ADV. SMT.SMITHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON 15/11/2007 DELIVERED THE FOLLOWING:

WP(C) No. 26262/2004

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE COMMUNCIATION NO. K5-3530/93 DATED 13/05/1993.

P2 : COPY OF THE NOTICE NO. G1-3415/94 DATED 18/05/2004.

P3 : COPY OF the PETITION DATED 21/07/2004 SUBMITTED by the PETITIONER BEFORE THE 2ND RESPONDENT.

ANNEXURE 1 : COPY OF the NOTICE NO. G1 3415/94 DATED 22/09/07.

ANNEXURE 2 : COPY OF COMPUTOR PRINT OUT DATED 17/10/2007.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 26262 of 2004

Dated, this the 15th day of November, 2007

J U D G M E N T

This writ petition is filed challenging recovery proceedings initiated for realisation of abkari dues, which was around 54 lakhs and interest thereon from 01/04/1994 onwards. It is stated in the counter affidavit that liability as of now is above Rs.1 crore. Petitioner's property was put for sale and for want of bidders, Government purchased the land for Re.1/- on 29/06/2004. Sale in favour of the Government is not confirmed and property is still in the possession of the petitioner.

2. According to the petitioner, the land value in the area has gone up high and if property is sold now in the open market, it will fetch sufficient amount to discharge full liability. I feel, even in the interest of the State, the property should be sold at market value, so that huge revenue due to the Government could be recovered.

3. This writ petition is, therefore, disposed of directing the respondents 1 & 2 to withhold further proceedings for confirmation of sale and taking over possession of the property from the

petitioner to enable the petitioner to arrange a purchaser, remit the arrears and sell the property by himself. If petitioner arranges a purchaser or raises funds, and remits the arrears with the statutory rate of interest, but excluding collection charges, on or before 15/02/2008, the sale made in favour of the State will stand cancelled and property thereafter will revert back to the petitioner. However, if petitioner fails to settle liability, there will be direction to the petitioner to hand over possession of the property to the 1st respondent for sale or use by the Government, as the case may be, after 15/02/2008.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg